

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

WALKER'S FOOD PRODUCTS CO.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 4:17-cv-054-DGK
	)	
CP TRUCKING SERVICES, INC.,	)	
	)	
Defendant.	)	

**ORDER DISMISSING CASE FOR FAILURE TO PROSECUTE**

This lawsuit arises from a shipment of refrigerated food gone bad. Plaintiff hired Defendant to deliver \$15,074.88 worth of refrigerated food product to a customer in Florida. Plaintiff alleges that Defendant allowed the food to become too warm in transit, so that when it arrived the customer rejected it and the entire shipment had to be destroyed.

On September 15, 2017, the Clerk made an entry of default (Doc. 24) under Federal Rule of Civil Procedure 55(a) because Defendant failed to defend. Since that time, there has been no movement in the case.

On January 11, 2018, the Court issued a show cause order directing Plaintiff to either take some action in this case—such as move for default judgment under Rule 55(b)—or show cause why this case should not be dismissed without prejudice for failure to prosecute. Plaintiff's response was due on or before February 12, 2018, but no response was filed.

Accordingly, the Court hereby ORDERS that this case be DISMISSED WITHOUT PREJUDICE pursuant to Federal Rule of Civil Procedure 41(b) and *Link v. Wabash R.R. Co.* 370 U.S. 626 (1962) (holding a district court may dismiss a case *sua sponte* for failure to prosecute).

**IT IS SO ORDERED.**

Date: March 13, 2018

/s/ Greg Kays  
GREG KAYS, CHIEF JUDGE  
UNITED STATES DISTRICT COURT